

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE: § § CASE NO. 15-10109-HCM
COINTERRA, INC., § § CHAPTER 7
DEBTOR § §

**AGREED MOTION TO ABATE BRIEFING SCHEDULE AND HEARING ON
FORTIS BENEFITS' MOTION FOR RELIEF FROM AUTOMATIC STAY**

TO THE HONORABLE H. CHRISTOPHER MOTT, U. S. BANKRUPTCY JUDGE:

COME NOW, Randolph Osherow, Chapter 7 Trustee (“**Trustee**”) for Cointerra, Inc. (“**Debtor**”), Fortis Benefits, LLC, as Collateral Agent (“**Collateral Agent**”), C7 Data Centers, Inc. (“**C7**”), and Open Silicon, Inc. (“**OSI**”) (collectively the “**Parties**”) and file this *Agreed Motion to Abate Briefing Schedule and Hearing on Fortis Benefits' Motion for Relief From Automatic Stay* (“**Agreed Abatement Motion**”) and in support thereof, would respectfully show as follows:

Jurisdiction

1. This Court has jurisdiction over this matter under 28 U.S.C. §§ 1334 and 157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for relief are 11 U.S.C. § 362 and this Court’s ability to control its docket.

Background

2. On January 24, 2015 (“**Petition Date**”), Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.

3. The Collateral Agent, on March 19, 2015, filed a Motion for Relief from the Automatic Stay [DKT #28] (the “**CA MLS**”) to enable it to proceed to foreclose on its asserted collateral as to its proof of claim filed on March 18, 2015 as Claim #44.

4. Objections to the CA MLS were filed by OSI [DKT # 38] and by C7 [DKT # 39]. Prior to the then set final hearing on the CA MLS, the Trustee, OSI, and C7 agreed to a partial lifting of the automatic stay to address the liquidation of the equipment and other items at the Debtor’s office location in Austin, Texas, and how to hold the net proceeds after expenses of sale and the Bankruptcy Court entered an order approving that partial lifting of the automatic stay by agreement [DKT #44]. That online auction has been completed and accounting of the sales proceeds is expected soon.

5. Additionally, at a status conference set by the Court on April 10, 2015, at 9:30 a.m. this Court, after hearing from the parties, entered the Order Regarding Status Hearing on Motion for Relief from Stay Filed by Fortis Advisors LLC [DKT #50] (“**Status Order**”) which set briefing deadlines for the CA and OSI/C7/Trustee that could be extended per the Status Order, as well as a hearing date on the CA MLS.

6. Discussions and negotiations have ensued and the brief extension provisions provided for in the Status Order have been utilized. Those discussions and negotiations appear to be bearing fruit (draft CSAs are being exchanged and reviewed) and are likely to result in resolutions in addition to those that would address the issues covered in the CA MLS. As such the Parties are requesting that the Court abate the briefing schedule and requirement to enable the Trustee to file multi-party or single party FRBP Rule 9019 motions to seek this Court’s approval of compromises that the Parties sincerely believe will be presented to the Court in the very near future.

7. The Parties, as a part of this Agreed Abatement Motion, would also request that the Court hold the current setting on the CA MLS on May 20, 2015, at 9:30 a.m. to enable the Parties to hear any promptly filed multi-party or single-party FRBP Rule 9019 motions on that date, provided that they are filed consistent with minimum notice requirements to secure approval of same per local rules.

WHEREFORE, the Parties pray that this Court enter an order approving this Agreed Abatement Motion and for such other relief to which they may show themselves to be justly entitled.

Respectfully submitted,

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By: /s/ Steve Turner

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CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on the 28th day of April, 2015, a true and correct copy of the foregoing document was served upon the parties on the attached mailing matrix via electronic means as listed on the Court's ECF noticing system, by email (as indicated on the matrix) or by regular first class mail.

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